

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALLISON GILLIGAN,	:	
	:	Case No. 2:23-cv-625
PLAINTIFF,	:	
	:	
v.	:	JUDGE WATSON
	:	
HOCKING COUNTY, <i>et al.</i>,	:	MAGISTRATE JUDGE VASCURA
	:	
DEFENDANTS.	:	

DEFENDANT HOCKING COUNTY’S ANSWER TO THE COMPLAINT

Now comes the Defendant, Hocking County, Ohio, by counsel, setting forth its responses to Plaintiff’s Complaint, responding that:

I. INTRODUCTION

Defendant admits that Plaintiff Allison Gilligan filed the Complaint against Defendants Hocking County, the City of Logan, Ohio, William Mickey Sharpe, Katie Hannah, and Josh Mowery. Defendant denies the remaining allegations set forth in the introductory paragraph.

II. PARTIES

1. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 1.
2. Defendant admits Hocking County is a county located in Southeastern Ohio. Defendant denies the remaining allegations set forth in Paragraph 2.
3. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 3.

4. Defendant admits that the City of Logan operates the Logan Police Department, which is a law enforcement agency at the city level. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 4.
5. Defendant denies the allegations set forth in Paragraph 5.
6. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 6.

III. JURISDICTION AND VENUE

7. Paragraph 7 does not set forth allegations that require an admission or denial.
8. Paragraph 8 does not set forth allegations that require an admission or denial.
9. Paragraph 9 does not set forth allegations that require an admission or denial.
10. Paragraph 10 does not set forth allegations that require an admission or denial.
11. Defendant states that R.C. § 2305.111(c) speaks for itself. Defendant denies that this action is timely brought against Hocking County, Ohio.

IV. FACTS

12. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 12.
13. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 13.
14. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 14.
15. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 15.

16. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 16.

17. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 17.

18. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 18.

19. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 19.

20. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 20.

21. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 21.

22. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 22.

23. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 23.

24. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 24.

25. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 25.

26. Defendant lacks sufficient knowledge to admit or deny the allegations set forth in Paragraph 26.

27. Defendant denies the allegations set forth in Paragraph 27.

28. Defendant denies the allegations set forth in Paragraph 28.

29. Defendant denies the allegations set forth in Paragraph 29.

30. Defendant denies the allegations set forth in Paragraph 30.

31. Defendant denies the allegations set forth in Paragraph 31.

32. Defendant denies the allegations set forth in Paragraph 32.

V. LEGAL CLAIMS

FIRST CLAIM FOR RELIEF **(Against Hocking County)**

33. Paragraph 33 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-32 as if rewritten herein.

34. Defendant denies the allegations set forth in Paragraph 34.

35. Defendant denies the allegations set forth in Paragraph 35.

36. Defendant denies the allegations set forth in Paragraph 36.

37. Defendant denies the allegations set forth in Paragraph 37.

38. Defendant denies the allegations set forth in Paragraph 38.

39. Defendant denies the allegations set forth in Paragraph 39.

40. Defendant denies the allegations set forth in Paragraph 40.

41. Defendant denies the allegations set forth in Paragraph 41.

42. Defendant denies the allegations set forth in Paragraph 42.

43. Defendant denies the allegations set forth in Paragraph 43.

44. Defendant denies the allegations set forth in Paragraph 44.

SECOND CLAIM FOR RELIEF
(Against Defendant City of Logan, Ohio)

45. Paragraph 45 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-44 as if rewritten herein.

46-57. The allegations set forth in Paragraphs 46-57 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

THIRD CLAIM FOR RELIEF
(Against Defendant Hannah in her Individual Capacity)

58. Paragraph 58 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-57 as if rewritten herein.

59-69. The allegations set forth in Paragraphs 59-69 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

FOURTH CLAIM FOR RELIEF
(Against Defendant Mowery in his Individual Capacity)

70. Paragraph 70 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-69 as if rewritten herein.

71-80. The allegations set forth in Paragraphs 71-80 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

FIFTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

81. Paragraph 81 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-80 as if rewritten herein.

82-87. The allegations set forth in Paragraphs 82-87 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

SIXTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

88. Paragraph 88 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-87 as if rewritten herein.

89-94. The allegations set forth in Paragraphs 89-94 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

SEVENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

95. Paragraph 95 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-94 as if rewritten herein.

96-115. The allegations set forth in Paragraphs 96-115 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

EIGHTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

116. Paragraph 116 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-115 as if rewritten herein.

117-130. The allegations set forth in Paragraphs 117-130 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

NINTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

131. Paragraph 131 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-130 as if rewritten herein.

132-141. The allegations set forth in Paragraphs 132-141 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

142. Paragraph 142 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-141 as if rewritten herein.

143-146. The allegations set forth in Paragraphs 143-146 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the

allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

ELEVENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

147. Paragraph 147 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-146 as if rewritten herein.

148-155. The allegations set forth in Paragraphs 148-155 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWELFTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

156. Paragraph 156 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-155 as if rewritten herein.

157-160. The allegations set forth in Paragraphs 157-160 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

THIRTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

161. Paragraph 161 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-160 as if rewritten herein.

162-174. The allegations set forth in Paragraphs 162-174 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

FOURTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

175. Paragraph 175 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-174 as if rewritten herein.

176-180. The allegations set forth in Paragraphs 176-180 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

FIFTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

181. Paragraph 181 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-180 as if rewritten herein.

182-185. The allegations set forth in Paragraphs 46-57 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

SIXTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

186. Paragraph 186 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-185 as if rewritten herein.

187-190. The allegations set forth in Paragraphs 187-190 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

SEVENTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

191. Paragraph 191 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-190 as if rewritten herein.

192-197. The allegations set forth in Paragraphs 192-197 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

EIGHTEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

198. Paragraph 198 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-197 as if rewritten herein.

199-202. The allegations set forth in Paragraphs 199-202 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the

allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

NINETEENTH CLAIM FOR RELIEF
(Against Defendant Sharpe)

203. Paragraph 203 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-202 as if rewritten herein.

204-211. The allegations set forth in Paragraphs 204-211 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWENTIETH CLAIM FOR RELIEF
(Against Defendant Sharpe)

212. Paragraph 212 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-211 as if rewritten herein.

213-223. The allegations set forth in Paragraphs 213-223 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWENTY-FIRST CLAIM FOR RELIEF
(Against Hocking County)

224. Paragraph 224 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-223 as if rewritten herein.

225. Defendant denies the allegations set forth in Paragraph 225.

226. Defendant denies the allegations set forth in Paragraph 226.

227. Defendant denies the allegations set forth in Paragraph 227.

228. Defendant denies the allegations set forth in Paragraph 228.

229. Defendant denies the allegations set forth in Paragraph 229.

230. Defendant denies the allegations set forth in Paragraph 230.

231. Defendant denies the allegations set forth in Paragraph 231.

232. Defendant denies the allegations set forth in Paragraph 232.

233. Defendant denies the allegations set forth in Paragraph 233.

TWENTY-SECOND CLAIM FOR RELIEF
(Against City of Logan)

234. Paragraph 234 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-233 as if rewritten herein.

235-243. The allegations set forth in Paragraphs 235-243 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWENTY-THIRD CLAIM FOR RELIEF
(Against Defendant Sharpe)

244. Paragraph 244 does not set forth allegations that require an admission or denial.

Defendant incorporates all responses set forth in Paragraphs 1-243 as if rewritten herein.

245-254. The allegations set forth in Paragraphs 245-254 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWENTY-FOURTH CLAIM FOR RELIEF
(Against Defendant Katie Hannah)

255. Paragraph 255 does not set forth allegations that require an admission or denial. Defendant incorporates all responses set forth in Paragraphs 1-254 as if rewritten herein.

256-261. The allegations set forth in Paragraphs 256-261 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

TWENTY-FIFTH CLAIM FOR RELIEF
(Against Defendant Mowery)

262. Paragraph 262 does not set forth allegations that require an admission or denial. Defendant incorporates all responses set forth in Paragraphs 1-261 as if rewritten herein.

263-268. The allegations set forth in Paragraphs 263-268 are not against Defendant Hocking County, Ohio. As a result, Defendant lacks sufficient knowledge regarding the allegations set forth in the aforementioned Paragraphs, and therefore, denies the allegations.

VI. CONCLUSION

269. Defendant denies the allegations set forth in Paragraph 269.

270. Defendant denies the allegations set forth in Paragraph 270.

271. Defendant denies the allegations set forth in Paragraph 271.

DEFENSES

FIRST DEFENSE

To the extent Plaintiff's claims are based on the doctrine of respondeat superior, such claims are barred because the doctrine of respondeat superior is not a basis for recovery under 42 U.S.C. § 1983.

SECOND DEFENSE

Defendant Hocking County is not liable for the alleged actions of the agents or employees of Hocking County as the acts, if true as set forth in the Complaint, were not performed pursuant to a policy or practice of the employer.

THIRD DEFENSE

Plaintiff fails to state a claim upon which relief can be granted. Therefore, the Complaint should be dismissed pursuant to Fed.R.Civ.P. 12(b)(6).

FOURTH DEFENSE

The applicable statute of limitations bars each cause of action.

FIFTH DEFENSE

The political subdivision herein and its employees at all times acted in good faith and made a good faith effort to substantially comply with all duties required thereof.

SIXTH DEFENSE

Defendant's actions are protected by qualified immunity.

SEVENTH DEFENSE

Defendant did not act with deliberate indifference.

EIGHTH DEFENSE

Hocking County is immune from liability for punitive or exemplary damages pursuant to R.C. § 2744.05(A).

NINTH DEFENSE

Hocking County, and its employees and officeholders, are immune from liability pursuant to R.C. § 2744.02.

TENTH DEFENSE

Defendant is entitled to the defenses, immunities, limitations, and statutory protections afforded to it pursuant to Ohio Revised Code Chapter 2744.

ELEVENTH DEFENSE

Hocking County, along with Ross and Vinton Counties, formed a joint county department of job and family services, pursuant to R.C. § 329.40(A), on January 1, 2013. (See Exhibit A – Letter to Director Michael Colbert with the Ohio Department of Job and Family Services; Exhibit B – Agreement to Establish a Joint County Department of Job and Family Services; and Exhibit C – Resolutions).

TWELFTH DEFENSE

Defendant Katie Hannah was never employed by Hocking County. Defendant Hannah is, and always has been, employed by South Central Ohio Job and Family Services.

THIRTEENTH DEFENSE

Defendant denies any remaining allegations set forth in Plaintiff's Complaint which may not have been specifically addressed in the Answer.

FOURTEENTH DEFENSE

Defendant reserves the right to amend this Answer in order to assert additional defenses, including affirmative defenses, that may be uncovered or made known during the pendency of this case.

WHEREFORE, having fully answered, Defendant prays that:

1. This Court deny every and all relief requested by Plaintiff;
2. This Court deny the Complaint in its entirety, with prejudice, and enter judgment for Defendant; and
3. This Court grant Defendant any such other relief as this Court deems just and proper, including attorney fees.

Respectfully Submitted,

/s/ Cassaundra L. Sark
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Cassaundra L. Sark (0087766)
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Ironton, OH 45638
(740) 532-4333
(740) 532-7341 – Fax
Counsel for Defendant Hocking County

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the Answer to Complaint was provided via the Court's electronic filing system (CM/ECF) on the 27th day of April 2023.

/s/ Cassaundra L. Sark
Cassaundra L. Sark (0087766)
Counsel for Defendant Hocking County